IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5670 of 2005

Between:

K.Vincent S/o. Rayappa,
Of ST Franci High School Aided, Machilipatnam,
D.No.21-519-7, Laxmanarao Puram,

Machilipatnam, Krishna District.

..... PETITIONER

AND

1 The District Educational Officer, Krishna district.
2 The Accountant General, A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the letter issued by 2nd respondent in proceedings P.10/III/V-1209/SP-677.2004-10/932 dt.4-2-2005 and also inaction of the respondent in releasing the retirement benefits and pension as illegal, arbitrary, and violative of principles of natural justice and consequently direct respondents to determine the pensionary benefits and also fix pension and release them after withholding attachment amount of R.3,62,611/- and pass such other or further orders.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER:

Declaring the letter issued by the 2nd respondent in proceedings P.10/III/V-1209/SP-677/2004-10/932, dated 04.02.2005 and also in action of the respondents in releasing the retirement benefits and pension, as illegal and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for School Education.

The District Educational Officer, Krishna District, in his proceedings dated 26.07.2004, directed the Deputy Educational Officer, Machilipatnam and Deputy General Manager, R.C.M.Schools, Machilipatnam to recover certain amounts from the employees concerned in pursuance of the Court orders. The impugned letter is a consequential order.

The learned Counsel for the petitioner contended that the respondents cannot withhold the gratuity payable to the petitioner and the same is not liable for attachment. The learned Government Pleader for School Education opposed the same on the ground that it is for the Court, which passed the attachment order has to decide the issue.

So long as attachment orders are issued by competent Courts, the same shall have to be followed and the respondents are bound by the same. Therefore, the order under challenge, which is consequential proceedings, does not suffer from any incurable legal infirmities, so as to call for interference by this Court. The remedies, available to the writ petitioner, are left open.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 21.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The District Educational Officer,

Krishna at Machilipatnam

2. The Accountant General, A.P,

Hyderabad

3. Two CCs to the Government Pleader

for School Education, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies

*Form-NIC-OGS/WP{**BJPR**}*